

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Bail Appl..No. 7245 of 2015

CRIME NO. 1251/2015 OF ALATHUR POLICE STATION , PALAKKAD DISTRICT

APPLICANT(S)/ACCUSED NOS.1 TO 6 :

- 1. AMAR PRASAD, AGED 25 YEARS,
S/O.SUDAKARAN ALIAS KUNJU, ALUMPARAMBU, CHERAMANGALAM,
MELARCODE, ALATHUR, PALAKKAD.**
- 2. KOTTARATHIL BABU, AGED 42 YEARS,
S/O.VELAYUDHAN, PAZHUTHARA, CHERAMANGALAM,
MELARCODE, ALATHUR, PALAKKAD.**
- 3. SHAJI, AGED 44 YEARS,
S/O.SHANMUGHAN, PAZHUTHARA, CHERAMANGALAM,
MELARCODE, ALATHUR, PALAKKAD.**
- 4. VIPINDAS, AGED 21 YEARS,
S/O.SUNDARAN, PAZHUTHARA, CHERAMANGALAM,
MELARCODE, ALATHUR, PALAKKAD.**
- 5. JITHIN, AGED 21 YEARS,
S/O.CHANDRAN, ALUMPARAMBU, CHERAMANGALAM,
MELARCODE, ALATHUR, PALAKKAD.**
- 6. NARAYANAN, AGED 38 YEARS,
S/O.CHAMI, PAZHUTHARA, CHERAMANGALAM,
MELARCODE, ALATHUR, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.7245 of 2015

Dated this the 25th day of November, 2015

ORDER

Application for bail under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1 to 6 in Alathur Police Station Crime No.1251 of 2015 registered for offences punishable under Sections 143, 147, 148, 341, 324 and 307 read with Section 149 of the Indian Penal Code. They seek pre-arrest bail.

3. Prosecution case is that on 07.11.2015 at 19.00 hours, the accused persons, who are followers of a political party, formed into an assembly and they, armed with weapons, attacked the defacto complainant and others due to political differences of opinion and caused injuries.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the petitioners are innocent and they are implicated in the case only on account of political rivalry. It is also submitted that the fifth petitioner is a bonafide student for MCA course and he has to take an examination commencing from 02.11.2015 to 12.11.2015.

6. Learned Prosecutor opposed the bail application. It is

submitted that accused 2, 4 and 6 used sword and accused 3 and 5 used iron rods to attack the defacto complainant and other victims.

7. I have perused the wound certificates. It is seen that some injuries have been suffered by two persons.

Considering the nature of allegations, injuries sustained and the stage of the investigation, I am of the view that following order will meet the ends of justice:

i. Petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation. Thereafter each one of them shall execute a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in Crime No.1251 of 2015 of Alathur Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners shall appear before the investigating officer on all Saturdays between 9.00 and 10.00 a.m. until the final report is filed. The fifth petitioner is exempted from appearance before the investigating

officer from 02.12.2015 to 11.12.2015 since he has to take an examination.

iv. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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